

*Joseph Massini*

1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

4 versus

5 05 CR 60 (NGG)

6 VINCENT BASCIANO,

7 DEFENDANT.

U.S. Courthouse  
Brooklyn, New York

8-----x  
9 April 13, 2011  
10 9:30 a. m.

11 TRANSCRIPT OF TRIAL

12 Before the HONORABLE NICHOLAS GARAUFIS, USDJ

13 APPEARANCES

14 Representing the Government: Loretta E. Lynch  
15 United States Attorney  
16 Eastern District of New York  
17 271 Cadman Plaza East  
18 Brooklyn, New York 11201  
19 BY: TARYN MERKL, ESQ.  
20 JACK DENNEHY, ESQ.  
21 NICOLE ARGENTIERI, ESQ.  
22 STEPHEN FRANK, ESQ.

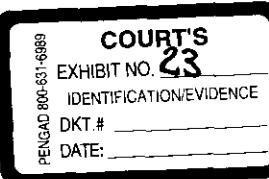
23 Representing the Defendant: GEORGE GOLTZER, ESQ.  
24 RICHARD JASPER, ESQ.  
25 YING STAFFORD, ESQ.  
BETH BOCHNAK, ESQ.

22 Reported by:

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25 Proceedings recorded by mechanical stenography. Transcript  
produced by computer-aided transcription.



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BY MS. MERKL:

Q Mr. Massino, if I could direct your attention, please,  
back to page 11. The opening of clip three, lines 12 and 13,

LISA SCHMID, CCR, RMR

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1 you state, "Now I've got to pass my education to you, Randy,  
2 "You okayed it."

3 Who were you referring to when you mentioned Randy?

4 A Randy Pizzolo.

5 Q And when you stated "You okayed it," what were you  
6 referring to?

7 A He okayed to murder, to kill him.

8 Q Prior to your conversation on January 3rd, 2005, how  
9 would you arrive at that understanding?

10 A By talking to him.

11 Q Where?

12 A In the bullpen.

13 THE COURT: "Him" meaning whom?

14 THE WITNESS: Vinny Basciano, excuse me.

15 BY MS. MERKL:

16 Q I'm sorry, where did you speak with Basciano about the  
17 murder?

18 A The first time I spoke to him was a co-defendant meeting.

19 Q The first time you saw him was the bullpen?

20 A First time I saw him was in the bullpen that we had a  
21 co-defendant meet.

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Q If I could now direct your attention to lines seven and eight, you continue, "You used Dominick to clip Randy and Joe Gambino, right, Joey Gambino."

Who are you referring to in this portion of the conversation, Dominick and Joey Gambino?

A Dominick Cali and Joey Gambino.

Q Prior to your conversation on January 3rd, 2005, how would you arrive at the understanding that Dominick and Joey Gambino were involved in the murder of Pizzolo?

A We had a co-defendant meeting, and it came up in the co-defendant meeting.

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16 Q If I could now direct your attention to page 21, lines  
17 nine through 11, you state, "I mean, it's hard. It was hard  
18 to talk, uh, uh, downstairs in the, in the lawyers' room."

19 What were you referring to when you mentioned it was  
20 hard to talk downstairs in the lawyer's room?

21 A When we had codefendant meetings, it's very hard to talk  
22 down there.

23 Q And the codefendant meetings were downstairs from where  
24 you had this conversation?

25 A MDC Brooklyn, yes.

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Q I now direct your attention to the bottom of page 24,  
lines 25 through 27. Basciano again mentions Anthony Aiello.  
And he states, "Anthony Aiello was a good man. He's a good  
kid."

What did you understand Basciano to mean when he

MASSINO/DIRECT/MERKL

1 said Anthony Aiello was a good man, a good kid?

2 A That he was the shooter that killed Randy Pizzolo.

3 Q Prior to your conversation on January 23, 2005, how did  
4 you arrive at that understanding?

5 A He told me that in a codefendant meeting at MDC Brooklyn.

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1 DIRECT EXAMINATION (Cont'd)

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11 Q And then continuing on lines 31 and 32, Mr. Basciano  
12 states, "Cause when you hit me with, you told me Joey Gambina  
13 was on the hit."

14 What hit are you referring to?

15 A Killing Randy Pizzolo.

16 Q And when you mentioned that "you told me Joey Gambina was  
17 on the hit," when had Basciano told you that Joey Gambina was  
18 on the hit?

19 A Co-defendant meeting.

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11 Q Then on line 35 through 37, you continue, "The following  
12 Friday we had a co-defendant meeting."

13 What were you referring to with "the co-defendant  
14 meeting"?

15 A The next Friday, that week, Randy Pizzolo got murdered  
16 and I turned around and I said to him, I seen you last Friday  
17 and you talked about everything and you didn't tell me about  
18 to kill Randy Pizzolo, you didn't say nothing to me.

19 Q Just to be clear, continue on to page 71 at the top of  
20 the page, when you say, "That's when you tell me yous just  
21 clipped him. Why didn't yous tell me that Friday?"

22 Who were you referring to when you say "yous clipped  
23 him"?

24 A Vinnie Basciano.

25 Q Clipped who?

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1 A Randy Pizzolo.

2 Q Continuing on lines 4, 5 and 6, you stated, "Why didn't  
3 you ask me that Friday? You didn't." And Basciano replies,  
4 "It was already in the works, Bo."

5 What did you understand Basciano to mean by that?

6 A I seen him a week later and the kid got killed that week,  
7 Randy Pizzolo, within Friday to Friday. The middle of the  
8 week, he got murdered.

9 I said I was in the bullpen with you last Friday,  
10 you didn't tell me nothing about murdering this kid. He said  
11 it was in the works.

12 Q What did you understand him to mean by "in the works"?

13 A That the word got out to murder him. He couldn't stop  
14 it.

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Q If I can now direct your attention to the bottom of the page, line 22 through 24. You state, "But you can't play with me. The other day you played with me, and I let it go when

MASSINO/DIRECT/MERKL

1 you were downstairs."

2 What were you referring to when you said  
3 "downstairs"?

4 A Co-defendant meeting.

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Q If I can now direct your attention to page 9, starting at line 5, he begins speaking. "I wouldn't do that to you. It's just the same thing, I felt slighted the other day when you told me downstairs. You told me Joey Gambina, now you tell me do you the."

When you were referring to "downstairs," what were

MASSINO/DIRECT/MERKL

1 you referring to?

2 A Co-defendant meeting.

3 Q And then in lines 10, 11, you continue, "No, no, but  
4 downstairs, you knew, you told me that in there."

5 Basciano replies, "Because that's how I set it up."

6 What did you understand Basciano to mean by that?

7 A He set up the Randy Pizzolo murder.

8 Q And what did he tell you was the manner in which he set  
9 it up during the co-defendant meeting?

10 A He told him who to use, Ace, Dominick, Joey Gambina.

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